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PTO/SB/21 (08-00)

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	10/033,190	
	<b>Filing Date</b>	October 29, 2001	
	<b>First Named Inventor</b>	Connors	
	<b>Group Art Unit</b>	1632	
	<b>Examiner Name</b>		
<b>Total Number of Pages in This Submission</b>	272	<b>Attorney Docket Number</b>	EP01-002C

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ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>return receipt postcard</b>
<b>Remarks</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Michael J. Atkins
Signature	<i>Michael J. Atkins</i>
Date	January 23, 2003

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <span>January 23, 2003</span>			
Typed or printed name	Angela Law		
Signature	<i>Angela Law</i>	Date	January 23, 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of Connors *et al.*

Application No.: 10/033,190

Filed: October 29, 2001

For: IDENTIFICATION AND  
CHARACTERIZATION OF AN  
ANTHOCYANIN MUTANT (ANT1)  
IN TOMATO

Confirmation No.: 7347

Art Unit: 1632

Examiner: Unknown

Attorney Docket No.: EP01-002C

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**INFORMATION DISCLOSURE STATEMENT AND  
STATEMENT UNDER 37 C.F.R. §1.97(e)**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In accordance with 37 CFR §1.56, this Information Disclosure Statement is being submitted for the above-referenced application.

Applicant requests the Office to consider this Information Disclosure Statement under 37 C.F.R. §1.97 (b). Accordingly, applicant states, pursuant to §1.97 (e) that the information contained in the attached PTO Form 1449 was first cited in the International Search Report (copy attached) from the International Searching Authority in the counterpart PCT application not more than three months prior to the filing of this statement.

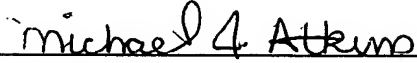
In accordance with §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined by 37 CFR §1.56 exists.

In accordance with §1.97(h), the disclosure contained herein is not intended to constitute an admission that any patent, publication, or other information referred to is "prior art" or "analogous art" for this invention.

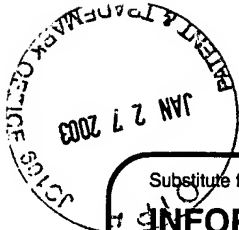
The Commissioner is hereby authorized to charge any fees, if necessary, to Deposit Account No. 50-1108.

Respectfully Submitted,

Dated: January 23, 2003

  
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Michael J. Atkins      Reg. No. 35,431

**EXELIXIS, INC.**  
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South San Francisco, California 94083-0511  
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Substitute for form 1449A/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		Application Number	10/033,190
		Filing Date	October 29, 2001
		First Named Inventor	Conners
		Group Art Unit	1632
		Examiner Name	Unknown
Sheet 1	of 2	Attorney Docket Number	EP01-002C

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U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
	1	US-5,861,487	01-19-1999	Holton et al.	
	2	US- 5,859,329	01-12-1999	Holton et al.	
	3	US- 5,831,060	11-03-1998	Wada et al.	
	4	US- 5,733,759	03-31-1998	Taylor et al.	
	5	US- 5,569,832	10-29-1996	Holton et al.	
	6	US- 5,349,125	09-20-1994	Holton et al.	
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				

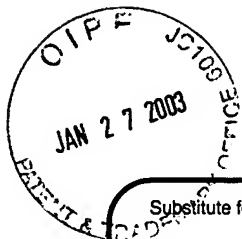
Examiner Signature		Date Considered	
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 2

**Complete if Known**

Application Number	10/033,190
Filing Date	October 29, 2001
First Named Inventor	Conners
Group Art Unit	1632
Examiner Name	Unknown
Attorney Docket Number	EP01-002C

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	7	CONE, K. et al. Cloned Anthocyanin Genes and Their Regulation. The Maize Handbook, M. Freeling, et al., ed., 1994, Springer-Verlag, New York, pages 282-285.	

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SignatureDate  
Considered

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